## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CASE NO. 1:21-CV-029-DCK

JERRY DANIEL MARKS,	)	
Plaintiff,	)	
<b>v.</b>	)	<u>ORDER</u>
KILOLO KIJAKAZI,	)	
Acting Commissioner of Social Security,	)	
Defendant.	)	

THIS MATTER IS BEFORE THE COURT on "Plaintiff's Consent Motion For Attorney's Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 21) filed March 17, 2022. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

By the instant motion, Plaintiff Jerry Daniel Marks seeks an award of attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, in the amount of \$4,686.00. This fee amount "constitutes a compromised settlement between the parties." (Document No. 21, p. 1). The Court commends the parties for reaching an agreement on an appropriate fee amount. Based on Plaintiff's motion and the Government's consent, the undersigned will allow the requested fee.

IT IS, THEREFORE, ORDERED that "Plaintiff's Consent Motion For Attorney's Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 21) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Commissioner of Social Security SHALL pay to Plaintiff the sum of **\$4,686.00** in attorney fees, in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sum this case be dismissed with

prejudice. If the award to Plaintiff is not subject to the Treasury Offset Program, payment will be made by check payable to Plaintiff's counsel in accordance with Plaintiff's assignment to her attorney of her right to payment of attorney's fees under the EAJA. If the payment is subject to offset, then any remaining fee will be made payable to Plaintiff and mailed to Plaintiff's counsel's office address.

SO ORDERED.

Signed: March 17, 2022

David C. Keesler

United States Magistrate Judge